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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,111	08/04/2000	Jan Carlsson	1614-0238P	2114

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EXAMINER

NGUYEN, BAO THUY L

ART UNIT PAPER NUMBER

1641

DATE MAILED: 05/21/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/633,111

Applicant(s)

CARLSSON ET AL.

Examiner

Bao-Thuy L. Nguyen

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's amendment filed 04 March 2002 has been received. Claims 1-10 are pending.
2. All rejections not reiterated herein below are withdrawn.
3. The text of those US codes not found in this office action may be found in a previous office action.

#### *Claim Rejections - 35 USC § 112*

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite with respect to the recitation of "foam-like". Is the matrix made of foam material? If not, how is the matrix "foam-like"?

#### *Claim Rejections - 35 USC § 102*

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pristoupil (Chromatography Review. 12:109-125, 1970).

Pristoupil discloses the general trends in the development of chromatographic and electrophoretic techniques, and specifically teaches the use of nitrocellulose membrane filters. Pristoupil teaches the use of nitrocellulose membrane having pore size ranging from about 0.01  $\mu\text{m}$  to 10 $\mu\text{m}$  in chromatography and electrophoresis separation of proteins and nucleic acids (pages 109-110). Pristoupil disclose a chamber for membrane chromatography where chromatography in aqueous solutions is performed in a horizontal position (page 112, figure 1). The samples are applied on the test strip and after separation, proteins and nucleic acids are

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visualized by either the sandwich techniques or dyes. Pristoupil discloses that nitrocellulose membranes impregnated with a suitable antigen can be used for the rapid detection, saturation or quantitative determination of specific antibodies in micro amounts of materials (page 119).

Pristoupil differs from the instant invention in failing to specifically state that the polymeric membrane is attached to a liquid-impervious backing. However, Pristoupil teaches the membrane is lay flat on a glass plates in a chromatography chamber; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the polymeric membrane of Pristoupil by attaching it directly to the glass plates because it is well known in the art that such backing provides the advantage of increased handling strength for the membrane. Pristoupil is considered to make obvious the instant claims because steps f1 through f2c of claim 1 are seen to be optional.

#### *Response to Arguments*

6. Applicant's arguments with respect to the rejection of claims 1-10 have been considered but are moot in view of the withdrawal of the rejection and the new grounds of rejection.

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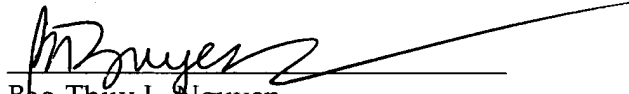
*Conclusion*

7. No claim is allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao-Thuy L. Nguyen whose telephone number is (703) 308-4243. The examiner can normally be reached on Monday, Wednesday and Thursday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (703) 305-3399. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

  
Bao-Thuy L. Nguyen  
Primary Examiner  
Art Unit 1641  
May 20, 2002